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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/039,313   | 10/27/2001  | Shahram Shariff      | 006593-01953        | 2119             |
| 33375  | 7590        | 02/24/2006           | EXAMINER            |                  |
| THOMPSON HINE LLP<br>P.O Box 8801<br>DAYTON, OH 45401-8801 |             |                      | BLAKE, CAROLYN T    |                  |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             | 3724                 |                     |                  |

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|------------------------------|------------------------|---------------------|--|
|                              | 10/039,313             | SHARIFF ET AL.      |  |
| Examiner                     | Art Unit               |                     |  |
| Carolyn T. Blake             | 3724                   |                     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 27 January 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4)  Claim(s) 1-4, 6-8, 10, 18, 19, 28, 29 and 32-40 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4, 6-8, 10, 18, 19, 28, 29 and 32-40 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 27, 2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections in Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3, 6, 28, 29, 32-36, and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al (2,573,861) in view of Glaser (6,015,328) and in further view of Halberstadt et al (3,369,265) and Thomas (5,479,708).

Meeker et al disclose the invention substantially as claimed including: a gripping plate (90/112) having a front surface (shown with teeth in FIGS 1-3) and a rear surface (opposite the front in FIGS 1-3), such that the front surface is shaped to grip a good product (see FIGS 1-3, the teeth 91 grip food products); said plate including an attachment portion (93/99/101/102) extending generally outwardly from the rear surface; a handle (95) having an opening shaped to releasably receive the attachment portion; and a feed arm (80) including a pair of arm openings (see FIGS 4 and 5), a first one (FIGS 4) of said opening being shaped to be generally located between the handle and

said gripping plate, a second one (FIG 5) of said openings being capable of receiving a slide rod (77) of a slicer.

Meeker et al lacks the attachment portion that includes a pair of opposed, generally laterally extending legs with feet and a handle that is shaped to receive the feet of the attachment portion such that the handle is manually decoupled by twisting the handle, wherein the attachment portion being releasably received in the handle in more than two radial positions and the handle has a generally continuous outer surface and lacks any auxiliary openings that communicate with the openings of the handle.

However, Glaser discloses that it is old and well known in the art to use elongated attachment portions with opposed laterally extending legs with feet that engage corresponding feet detents for the purpose of releasably connecting handles to cutting tools by twisting such that the handles are easily removable and replaceable (see, e.g., column 1, lines 55-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the elongated attachment bar of the Meeker et al device with the elongated opposed legs with feet that engage corresponding feet detents, as taught by Glaser, in order to provide a quick, releasable handle connection.

The handle opening of Glaser is capable of releasably receiving their attachment portions in more than two radial positions and then twisted into their locked portions. The phrase "a handle having an. . .in more than two radial positions" does not limit the claim to a handle and attachment portion capable of being located together in more than two positions only that the opening of the handle is capable of first receiving the

attachment portion in more than two radial positions. In this case, Glaser discloses the use of circular handle openings that allow for the attachment portions to be inserted in the opening at any radial position and then twisted into position.

The outer portion of the handles of Glaser are generally continuous and lack any auxiliary openings that communicate with the opening of the handle, in that, there are no supplemental openings communicating with the opening.

The Meeker et al combination above still fails to disclose generally inwardly tapered sidewalls. However, Halberstadt et al and Thomas disclose a handle connection wherein a female member includes generally inwardly tapered sidewalls and receives a male member. See FIG 2 in the Halberstadt et al reference, and FIGS 1 and 2 of the Thomas reference. The taper facilitates movement of the male member into the locked position. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide generally inwardly tapered side walls, as disclosed by Halberstadt et al and Thomas, on the modified Meeker et al device for the purpose of easing movement of the gripping plate into the locked position.

It should be noted that Glaser, Halberstadt et al, and Thomas are considered analogous art references because they are reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention, that is, quick release handles.

As to claim 3, the modified device of Meeker et al discloses the use of teeth extending generally forwardly from the front surface. See FIGS 2, 4, and 6.

As to claims 6, the modified device of Meeker et al discloses the use of a connection arm (80, see FIG 1 of Meeker et al) coupled to and extending between both of the feed arm openings.

Regarding claims 36 and 40, it should be noted that these claims are open ("comprising"). The Glaser reference discloses a circular opening in end view. Although there are additional recesses in the opening, these recesses are not prohibited due to the open claim.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al in view of Glaser and Halberstadt et al or Thomas as applied to claim 1 above, and further in view of the Hobart Catalog of replacement parts, hereinafter Hobart, and Kondo et al (5,622,035) or Maughan (5,607,249).

The modified device of Meeker et al discloses the invention substantially as claimed except for a wave washer located between the handle and the feed arm or between the feed arm and the gripping plate such that the handle is urged away from the plate and/or the feed arm.

The modified Meeker et al device does teach the need for a spring to urge the handle away from the connection site such that the opposite feet are frictionally engaged with the feet detents. Hobart discloses it is old and well known in the art to use washers between feed arms and handles for the purpose of facilitating the attachment between the handle and the feed arm. Kondo et al and Maughan both disclose it is old and well known in the art to use wave washers for the purpose of urging two attached elements away from each other such that the connection is

facilitated. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a wave washer between the feed arm and the handle of the modified device of Meeker et al in order to urge the feed arm and handle away from each other such that the opposed feet of the attachment portion are frictionally engaged with the feed detents, thereby facilitating the connection between the handle and attachment portion.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al in view of Glaser and Halberstadt et al or Thomas as applied to claim 1 and 3 above, and further in view of the following.

The modified device of Meeker et al discloses the invention substantially as claimed except for the specific teeth length between about 0.35 inches and about 0.40 inches and for the specific tip diameter between about 0.05 inches to about 0.15 inches. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the teeth between 0.35 and 0.40 inches as well as making the tip diameter between 0.05 and 0.15 inches for the purpose of facilitating gripping of a food product depending upon the type of food product being cut, because it has been held that where the generally conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill and because such a modification would have involved a mere change in size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

6. Claims 7, 8, 18, and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al in view of Glaser and Halberstadt et al or Thomas as applied to claim 1 above, and further in view of the following.

The modified device of Meeker et al discloses the invention substantially as claimed including the attachment portion including a pair of spaced generally parallel legs (17) coupled to one of the feet (16), the opening of the handle includes a pair of opposed end openings (see FIG 3D) shaped to receive the feet.

As to claim 8, the modified device of Meeker et al discloses the use of feet that extend generally outwardly from its associated leg and includes a curved outer surface. In the alternative, even if it is argued that the modified device of Meeker et al lacks the curved outer surface, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to use feet with curved outer surfaces for the purpose of facilitating engagement of the feet with the opening in the handle because Applicant has not disclosed the curved outer surface provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either outer surface of the feet because both outer surfaces of the feet would perform the same function of allowing the engagement and disengagement of the feet with the handle openings. Therefore, it would have been an obvious matter of design choice to modify the modified device of Meeker et al to obtain the invention as specified in claim 8.

As to claim 18, the handle is generally tube shaped.

As to claims 19, the modified device of Meeker et al discloses the use of cam surfaces (see 18-19 of Glaser (located and configured to interact with the feet wherein the feet are capable of being urged inwardly.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al in view of Glaser and Halberstadt et al or Thomas as applied to claim 1 above, and further in view of the following.

The modified device of Meeker et al, as fully explained in the rejection to claim 1, discloses the invention substantially as claimed except for the second one of the feed arm openings contributing at least 50 percent of the weight of the feed grip. It would have been an obvious to one of ordinary skill in the art at the time the invention was made to make the second feed arm opening with at least 50 percent of the weight of the feed grip in order to ease rotating the feed grip by reducing the amount of weight the user would need to lift, because it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

8. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al in view of Glaser and Halberstadt et al or Thomas as applied to claim 1 above, and further in view of Ruschke (5,556,541).

The modified device of Meeker et al discloses the invention substantially as claimed except for an overmold. Ruschke discloses it is old and well known to use an overmold in connecting multiple components for the purpose of eliminating fasteners. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to provide an overmold on the modified Meeker et al device for the purpose of eliminating connection fasteners.

***Response to Arguments***

9. Applicant's arguments filed January 27, 2006 have been fully considered but they are not persuasive.

While the examiner agrees there are differences between Applicant's device and the prior art of record, these differences have not been positively claimed. Further limitations regarding the attachment feature, including the opening and recessed area (74/76) for engaging the feet at the back of the handle, are suggested in order to make the claims read over the prior art.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CB  
February 21, 2006

  
**Allan N. Shoap**  
**Supervisory Patent Examiner**  
**Group 3700**